

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE

ESPERANZA DE LA CRUZ

CASE NUMBER: 11-03837-SEK
CHAPTER 13

Debtor(s)

MOTION REGARDING REPORT ON LOCAL COURT PROCEEDINGS AND
APPLICATION FOR EMPLOYMENT OF SPECIAL COUNSEL

TO THE HONORABLE COURT:

COMES NOW, Alejandro Oliveras Rivera, Standing Chapter 13 Trustee, and very respectfully, **ALLEGES, STATES and PRAYS:**

1. Debtor's amended plan dated July 08, 2011, provides, in the pertinent part, that \$5,000.00 proceeds from a damages claim will be devoted into the plan as a lump sum payment.

2. As of today, neither an application for employment of a special counsel nor a status report of the state proceedings has been filed.

3. In order for the Trustee to fulfill his duties, it is advisable that such status report be promptly submitted and quarterly thereafter.

4. A cause of action on behalf of debtor is a bankruptcy estate asset, subject to this Court's jurisdiction. Pursuant to section 1302 (b)(1) which makes applicable section 704(2) and (4), the Trustee is accountable for all property received and must investigate the financial affairs of the debtor.

5. In light of the above, any compensation in the proceeding in favor of Debtor/Plaintiff should comprise a sole amount. The award should not be segregated; the entire amount should be to the order of Alejandro Oliveras Rivera, Chapter 13 Trustee.

6. The Trustee further advises that any settlement must be filed with the Bankruptcy Court and notified to the Trustee and all parties in interest with a 21-day objection language.

WHEREFORE, it is respectfully requested from this Honorable Court to order the following:

a. Special counsel shall file an application to be appointed as a professional with the Court and serve the Trustee with a report (in English) forthwith indicating the status of the proceedings and quarterly thereafter.

b. Any compensation in the state court proceeding in favor of Debtor/Plaintiff shall comprise a sole amount with no carve out for attorneys fees.

NOTICE

YOU ARE HEREBY NOTIFIED THAT YOU HAVE FOURTEEN (14) DAYS FROM THE DATE OF THIS NOTICE TO FILE AN OPPOSITION TO THE FOREGOING MOTION AND TO REQUEST A HEARING. IF NO OPPOSITION IS FILED WITHIN THE PRESCRIBED PERIOD OF TIME, THE TRUSTEE'S MOTION WILL BE DEEMED UNOPPOSED AND MAY BE GRANTED WITHOUT FURTHER HEARING UNLESS (1) THE REQUESTED RELIEF IS FORBIDDEN BY LAW; (2) THE REQUESTED RELIEF IS AGAINST PUBLIC POLICY; OR (3) IN THE OPINION OF THE COURT, THE INTEREST OF JUSTICE REQUIRES OTHERWISE. IF A TIMELY OPPOSITION IS FILED, THE COURT WILL SCHEDULE A HEARING AS A CONTESTED MATTER.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to the following: rfigueroa@rfclawpr.com I further certify that I have mailed this document by First Class Mail postage prepaid to debtors and to Ramon B. Rivera Grau Esq, at calle Ruiz Belvis #33 (Local Num 2) Caguas, Puerto Rico 00725.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 14TH day of July, 2011.

ALEJANDRO OLIVERAS RIVERA
CHAPTER 13 TRUSTEE

P.O. Box 9024062
San Juan, PR 00902-4062
Tel. 977-3500 Fax 977-3521
aorecf@ch13sju.com

By: **/s/PEDRO R. MEDINA HERNANDEZ**
PEDRO R. MEDINA HERNANDEZ
Staff Attorney
USDC-PR # 226614